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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/908,927	07/19/2001	James E. Fox	RSW920010105US1	1041

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EXAMINER	
FOWLKES, ANDRE R	
ART UNIT	**PAPER NUMBER**
2122	2

DATE MAILED: 07/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/908,927	FOX ET AL.	
	Examiner	Art Unit	
	Andre R. Fowlkes	2122	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 July 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-11 are pending.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington,* 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1, 2 and 6 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 2, 3, 20, 21, 28 and 29 of copending Application No. 09,669,227. Although the conflicting claims are not identical, they are not patentably distinct from each other because:

- instantiating a group of objects, corresponding to the specific access rights which are appropriate for a requester, as recited in claim 1 of the instant application, is an old and well documented practice.

- storing the instantiated objects in a directory, as recited in claim 1 of the instant application, is an old and well-documented practice.

Claims 1 and 2 of the instant application recite instantiating a group of objects, corresponding to the specific access rights which are appropriate for a requester and storing the instantiated objects in a directory, in addition to all of the limitations of claims 2, 20 and 28 of copending Application No. 09,669,227.

Instantiating a group of objects, corresponding to the specific access rights which are appropriate for a requester and storing the instantiated objects in a directory are old and well-documented practices.

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to incorporate the well-known practices of instantiating a group of objects, corresponding to the specific access rights which are appropriate for a requester and storing the instantiated objects in a directory into the system of copending Application No. 09,669,227. The modification would have been obvious because one of ordinary skill in the art would want to instantiate a group of objects, corresponding to the specific access rights which are appropriate for a requester to efficiently produce groups of objects by taking advantage of the object oriented programming principles of code reuse. The modification of storing the instantiated objects in a directory would have been obvious because one of ordinary skill in the art would want to store the instantiated objects in an organized fashion so that they can be located quickly, when needed.

Claim 6 of the instant application recites the same feature as found in claims 3, 21 and 29 of copending Application No. 09,669,227.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

4. Claims 1 and 2 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 2, 4, 19, 20, 22, 27, 28, and 30 of copending Application No. 09707545. Although the conflicting claims are not identical, they are not patentably distinct from each other because using processing scripts and properties sheets to describe a particular software package is an old and well-document computer programming means.

Claims 1 and 2 of the instant application recite all of the limitations of claims 1, 2, 4, 19, 20, 22, 27, 28, and 30 of copending Application No. 09707545 except for using processing scripts and properties sheets to describe a particular software package.

However, using processing scripts and properties sheets to describe a particular software package is an old and well-documented computer programming means.

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to incorporate the well-known and well-documented computer programming means of using processing scripts and properties sheets to describe a particular software package into the system of the instant application. The modification would have been obvious to one of ordinary skill in the art as a matter of design choice or programmer proficiency.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

5. Claims 1 and 2 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 18 and 25 of copending Application No. 09707700. Although the conflicting claims are not identical, they are not patentably distinct from each other because using structured documents to specify attributes of a particular software package is an old and well-document computer programming means.

Claims 1 and 2 of the instant application recite all of the limitations of claims 1, 18 and 25 of copending Application No. 09707700 except for using structured documents to specify attributes of a particular software package.

However, using structured documents to specify attributes of a particular software package is an old and well-documented computer programming means.

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to incorporate the well-known and well-documented computer programming means of using structured documents to specify attributes of a particular software package, into the system of the instant application. The modification would have been obvious to one of ordinary skill in the art as a matter of design choice or programmer proficiency.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

6. Claims 1 and 2 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 18 and 25 of copending Application No. 09707656. Although the conflicting claims are not identical, they are not patentably distinct from each other because using structured documents to specify properties of a particular software package using an object modeling notation is an old and well-document computer programming means.

Claims 1 and 2 of the instant application recite all of the limitations of claims 1, 18 and 25 of copending Application No. 09707656 except for using structured documents to specify properties of a particular software package using an object modeling notation.

However, using structured documents to specify properties of a particular software package using an object modeling notation, is an old and well-documented computer programming means.

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to incorporate the well-known and well-documented computer programming means of using structured documents to specify properties of a particular software package using an object modeling notation into the system of the

instant application. The modification would have been obvious to one of ordinary skill in the art as a matter of design choice or programmer proficiency.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-5 and 8-11 are rejected under 35 U.S.C. 102(b) as being anticipated by London Shrader et al. (Shrader), U.S. Patent no. 5,870,611.

As per claim 1, Shrader discloses:

-defining an object model representing a plurality of components of a software installation package, wherein each component comprises a plurality of objects (col. 2:36-40, "The empty installation plan object is first created from a template of a prototypical installation plan object. Next, from a workspace container object, containing potential child objects of the installation plan object, objects are selected for inclusion in the installation plan object"),

- instantiating at least one version of each of the objects (col. 6:21-22, "creating instances of those objects"), **wherein a plurality of versions of selected ones of the objects may be instantiated to reflect differing access rights which are appropriate for potential requesters of the package** (col. 6:51-62, "(different versions of selected objects are instantiated to reflect the differing access rights by using) the customized file container, (which holds a plurality of file objects), ... to create a unique (version of the objects) ... for particular workstations"),

- storing the instantiated objects in a directory, wherein the versions of the objects are associated with the differing access rights (col. 9:47-48, "the directory path where the client workstation can access their (instantiated objects)", and col. 6:51-62, "(different versions of selected objects are instantiated to reflect the differing access rights by using) the customized file container, (which holds a plurality of file objects), ... to create a unique (version of the objects) ... for particular workstations").

As per claim 2, the rejection of claim 1 is incorporated and further, Shrader discloses **the step of populating the instantiated objects with attributes and methods to describe a particular software installation package,** (col. 5:64-65, "each object has certain data attributes and methods which operate on the data").

As per claim 3, the rejection of claim 1 is incorporated and further, Shrader discloses:

- **receiving a request from a particular requester for a selected software installation package** (col. 4:66-5:1, "These processing systems operate as a client or server workstation depending upon whether it is requesting or supplying (software installation) services"),

- **determining the access rights which are appropriate for the particular requester, retrieving the selected software installation package from the directory** (col. 5:2-6, "the invention runs on a plurality of IBM compatible workstations interconnected by the IBM OS/2 LAN server architecture (determines access rights which are appropriate for a particular requester by authentication prior to retrieving the selected software package) including LAN server, the LAN CID utility and the network installation application in which the present invention is implemented"),

- **wherein the retrieved package is dynamically assembled from the stored objects based upon the determined access rights** (fig. 2A and associated text, (e.g. col. 6:23-62), shows an installation package (network installation product, 50) that is assembled from objects (application 1 & 2), based upon the access rights desired).

As per claim 4, the rejection of claim 3 is incorporated and further, Shrader discloses **authenticating the particular requester, in response to receiving the request; and determining the access rights and retrieving the selected software installation package only if the authentication succeeds** (col. 5:2-6, "the invention runs on a plurality of IBM compatible workstations interconnected by the IBM OS/2 LAN server architecture (determines access rights by authentication prior to retrieving the

selected software package) including LAN server, the LAN CID utility and the network installation application in which the present invention is implemented").

As per claim 5, the rejection of claim 3 is incorporated and further, Shrader discloses **installing the retrieved software installation package** (col. 1:21, "installing software on the network").

As per claims 8-11, Shrader also discloses such claimed limitations as addressed in claims 1 and 3, above.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. Claims 6 & 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over London Shrader et al. (Shrader), U.S. Patent no. 5,870,611 in view of Bowman-Amuah, U.S. Patent no. 6,550,057.

As per claim 6, the rejection of claim 1 is incorporated and further, Shrader doesn't explicitly disclose that **the instantiated objects are JavaBeans.**

However, Bowman-Amuah, in an analogous environment, discloses that **the instantiated objects are JavaBeans** (col. 108:1-7, "(instantiating objects using) the Javabeans API will make it easier to create reusable components in the Java language").

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Bowman-Amuah into the system of Shrader to have JavaBeans as the instantiated objects. The modification would have been obvious because one of ordinary skill in the art would want to efficiently create applications using reusable components.

As per claim 7, the rejection of claim 1 is incorporated and further, Shrader doesn't explicitly disclose that **the directory is a Lightweight Directory Access Protocol ("LDAP") directory**.

However, Bowman-Amuah, in an analogous environment, discloses that **the directory is a Lightweight Directory Access Protocol ("LDAP") directory** (col. 65:22-25, "Lightweight Directory Access Protocol (LDAP) a de facto standard for accessing X.500-compatible directory information in an Internet/intranet environment").

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Bowman-Amuah into the system of Shrader to use LDAP directories. The modification would have been

obvious because one of ordinary skill in the art would want to create an application that can be used by that maximum number of people by using standard protocols, such as LDAP.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre R. Fowlkes whose telephone number is (703)305-8889. The examiner can normally be reached on Monday - Friday, 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (703)305-4552. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ARF

TUAN DAM
SUPERVISORY PATENT EXAMINER